



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

January 10, 2012

1201-VS-03

Exhibit 1

Petition Number: 1201-VS-03

Subject Site Address: 2400-2500 E. 146th Street,

Petitioner: Kite Realty

Representative: Charlie D. Frankenberger and Jon C. Dobosiewicz

Request: The petitioner is requesting a Variance of Standard from the Westfield-Washington Zoning Ordinance (*WC 16.08.010.1.3.b*) to permit tenant information on the western entrance sign to the Cool Creek Commons center.

Current Zoning: Special Business-Planned Development

Current Land Use: Commercial

Approximate Acreage: 17.48 acres

Zoning History:

- 0301-VS-01, 2/18/03
- 0301-VS-02, 2/18/03
- 0301-VS-03, 2/18/03
- 0301-VS-04, 2/18/03
- 0301-VS-14, 2/18/03
- 0304-DP-09, 4/28/03
- 0902-VS-03, 2/10/09

Exhibits:

- 1. Staff Report
- 2. Aerial Location Map
- 3. Petitioner's Application

Staff Reviewer: Ryan Clark, Associate Planner

Petition History

This petition will receive a public hearing at the January 10, 2012 Board of Zoning Appeals meeting.



Property History

The development plan and site plan for the subject property was approved by the Advisory Plan Commission on April 28, 2003 (0304-DP-09). The development plan approval was for a 145,805 square foot commercial structure on approximately 17.48 acres.

Analysis

The applicant is requesting to add tenant information to an existing entrance sign located along 146th Street. The "Cool Creek Commons" sign panel would be replaced with a sign panel of the same size that lists individual tenants (See Exhibit 4, Item 6). Additionally, a white panel with six (6) inch non-illuminated letters on the brick base would include the "Cool Creek Commons" center identification sign. The overall size and location of the entrance sign would remain the same.

The Westfield-Washington Township Sign Ordinance section *WC 16.08.010.3.b* states that "Nonresidential center entrance signs shall be limited to a maximum of six (6) feet in height, a sign area of thirty (30) square feet per sign face, and shall not contain tenant information." The existing entrance sign conforms to these standards. The variance would permit tenant information on the entrance sign.

Procedural

A Board of Zoning Appeals shall approve or deny variances of standard from the terms of the zoning ordinance. The Board may impose reasonable conditions as a part of its approval. A variance may be approved under Ind. Code § 36-7-4-918.5 only upon a determination in writing that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that allowing tenant information on an entrance sign would be injurious to the public health, safety, morals, and general welfare of the community. The proposed tenant information fits within the existing center identification sign area and should not cause more distraction to motorists than the existing center identification sign.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*



Finding: It is unlikely the use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner. The neighboring property east and west of Cool Creek Commons is commercial in use. Feedback from adjacent property owners should provide insight regarding the impact on adjacent properties.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: The zoning ordinance allows commercial centers to have monument signs with tenant information. The Cool Creek Commons shopping center has a monument sign with tenant information. The request to allow tenant information on the entrance sign would allow the center more tenant signage than is currently contemplated in the ordinance.

Recommendations

1. If the BZA determines that the zoning ordinance creates a practical difficulty in the use of the subject property, then approve this request with the following conditions:
 - a. That the size and dimensions of the sign conform with the size requirements for nonresidential center entrance signs (*WC 16.08.010.1.3.b*).
 - b. That the aggregate of all tenant information and center identification on the sign not exceed thirty (30) square feet per sign face.
 - c. That the approval of this variance request apply only to the sign identified in the attached Exhibit A.
2. If the BZA determines that the zoning ordinance does not create a practical difficulty in the use of the subject property, then deny this request.